

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

STACEY LASSITER,

Plaintiff,

v.

Civil Action No. 3:15CV439

DOCTOR JAMALUDEEN, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* filed this civil rights action. The matter is before the Court on Plaintiff's failure to serve the Defendant Nephcare within the time required by Federal Rule of Civil Procedure 4(m). Rule 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

Fed. R. Civ. P. 4(m).

Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff had ninety (90) days from the filing of the complaint to serve the defendants. Here, that period commenced on October 13, 2016. By Memorandum Order entered on February 13, 2017, the Court directed Plaintiff, within

eleven (11) days of the date of entry thereof, to show good cause for his failure to serve Defendant Nephcare within the time required by Rule 4(m). Plaintiff has not responded. Accordingly, all claims against Defendant Nephcare will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: 3/31/17
Richmond, Virginia

js 
John A. Gibney, Jr.
United States District Judge